

FORM 26. Docketing Statement

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

No. 2011-1009Soverain Software LLC

v.

Newegg Inc.

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

OCT 22 2010

JAN HORBALY
CLERK

DOCKETING STATEMENT

This Docketing Statement must be completed by all counsel and filed with the court within 14 days of the date of docketing. When the United States or its officer or agency is a party, this Docketing Statement must be completed by all counsel and filed with the court within 30 days of docketing.

Name of the party you represent Newegg Inc.

Party is (select one)



Appellant/Petitioner



Cross-Appellant



Appellee/Respondent



Intervenor

Tribunal appealed from and Case No. E.D. Texas 07-cv-00511Date of Judgment/Order 9/11/2010; 10/1/2010 Type of Case Patent Infringement

Relief sought on appeal

Reversal and rendition of judgment of non-infringement, alternatively rendition of judgment for \$500,000, alternatively remand with instructions for new trial on damages only, or alternatively remand with instructions for new trial on all issues

Relief awarded below (if damages, specify) _____

\$2.5 million in damages, plus interest and costs, plus running royalty of \$0.15 per transaction.

Briefly describe the judgment/order appealed from _____

Final Judgment and post-judgment denial of motions for judgment as a matter of law and new trial under Fed. R. Civ. P. 50(b) and Fed. R. Civ. P. 59.

Form 26

FORM 26. Docketing Statement (continued)

Nature of judgment (select one)

- ☒ Final Judgment, 28 USC 1295
- ☐ Rule 54(b)
- ☐ Interlocutory Order (specify type) _____
- ☐ Other (explain; *see* Fed. Cir. R. 28(a)(5)) _____

Name and docket number of any related cases pending before this court plus the name of the writing judge if an opinion was issued _____

None

Brief statement of the issues to be raised on appeal _____

Whether defendant was entitled to judgment as a matter of law or a new trial on liability and damages. Whether plaintiff is entitled to damages, and if so, how much.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below?
- ☒ During the pendency of the case below?
- ☐ Following the judgment/order appealed from?

If "yes," were the settlement discussions mediated? ☒ Yes ☐ No

If they were mediated, by whom? _____

Some of the settlement discussions were mediated by Mike Patterson, 515 South Vine, Tyler, TX 75702.

FORM 26. Docketing Statement (continued)

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

If you answered no, explain why not _____

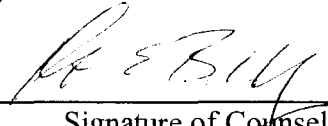
The parties have entered into multiple mediation discussions during the pendency of the present litigation. The outcome of these negotiations and discussions have resulted in an impasse that appears irreconcilable.

Provide any other information relevant to the inclusion of this case in the court's mediation program. _____

I certify that I filed an original and one copy of this Docketing Statement with the Clerk of the United States Court of Appeals for the Federal Circuit and served a copy on counsel of record, this 21st day of October, 2010

by: electronic mail
(manner of service)

Kent E. Baldauf, Jr.
Name of Counsel


Signature of Counsel

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